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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on <u>Mar 8, 2006</u></p> <p>Signature <u>Susan C. Lien</u></p> <p>Typed or printed name <u>Susan C. Lien</u></p>		Application Number	Filed
		10/675,396	September 30, 2004
		First Named Inventor	
		Kwatra, Ajay	
Art Unit		Examiner	
2111		Daley, Christopher A.	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>			
<p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>26,528</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number If acting under 37 CFR 1.34 _____</p>			
		<p><u>James R. Bell</u> Signature</p> <p>James R. Bell Typed or printed name</p> <p>512-867-8407 Telephone number</p> <p><u>3-7-06</u> Date</p>	
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below".</p>			

☒ *Total of one forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT
Docket No.: 16356.823 (DC-05254)
Customer No.: 000027683

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Kwatra, Ajay

Serial No. 10/675,396

Filed: September 30, 2004

For: CHASSIS EXPANSION USING
NEWCARD

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§ Group Art Unit: 2111
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§ Examiner: Daley, Christopher A.
§
§

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Responsive to the Final Office Action dated December 8, 2005, and the Advisory Action dated March 2, 2006, please consider the following remarks in connection with the pre-appeal brief request for review. Review of the final rejection is requested for the following reasons.

1. The Rejection of Claims 1-22 including independent claims 1, 11 and 21, and their respective dependent claims, is not supported by a *prima facie* case of obviousness.

Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saunders (Newcard Exposed) in view of Sleeman (US 20040260843). A *prima facie* case of obviousness is missing, however, at least because there is no support for an obviousness rejection of the claimed subject matter as a whole because Saunders and Sleeman fail to disclose each element of the claims or suggest the missing elements.

The final rejection admits that "Saunders does not disclose a user console. However, Sleeman teaches of a user console" (grammatical errors included).

The rejection continues, referring to Sleeman: "Figure 2 illustrates a system comprising a computer 4, comprising a monitor that serves as a console for said system, that monitors the

power of said computer system via Newcard 23, comprising the card information structure (CIS), paragraph 0004. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine teachings of Saunders and Sleeman as one needs a means of monitor the activity of peripheral devices, paragraph 0001 – 0002. The modification would have been obvious because one of ordinary skill in the art would want to use a computer system that conforms to the Newcard standard, paragraph 0001” (grammatical errors included).

Independent claims 1, 11 and 21 include: “the second subsystem including a user console having a power control providing a status signal to the first subsystem via the Newcard device.”

This specific recitation is illustrated by the Applicant at Fig. 3 and described at paragraph [0033]. This recitation is not disclosed or suggested by Saunders or Sleeman taken singly or in combination.

This is uniquely unlike the teachings of the Saunders publication taken with the teachings of Sleeman because this combination does not teach or suggest “the second subsystem including a user console having a power control providing a status signal to the first subsystem via the Newcard device” as claimed.

Furthermore, and in addition to the recitation discussed above, the references must disclose each element of the claim or suggest the missing elements. Applicant argues that the Saunders and/or Sleeman references do not do so. Therefore, the differences “as a whole” would not be obvious at the time the invention was made, to a person having ordinary skill in the art to which the subject matter pertains.

The Examiner argues that “the teachings of Saunders in Newcard Exposed in system diagram illustrates a second subsystem power switch (Slot A) that comprises a status signal, PERST # routed to the Newcard” (grammatical errors included). Applicants argue that this is not the same as and does not teach or suggest a “second subsystem including a user console having a power control providing a status signal to the first subsystem via the Newcard device”, as claimed.

PATENT

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This rejection relies on a strained claim construction for the reasons set forth above relating to independent claims 1, 11 and 21 and their respective dependent claims.

Other reasons for the patentability of claims 1-22 have been previously presented and will be maintained should the filing of an appeal brief become necessary.

Respectfully submitted,



James R. Bell

Registration No. 26,528

Dated: 3-7-06
HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Telephone: 512/867-8407
Facsimile: 214/200-0853
ipdocketing@haynesboone.com

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on	<u>Mar 8, 2006</u>
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